



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 16, 1996

Ms. Lysia H. Bowling
Assistant City Attorney
City of Temple
Legal Department
Temple, Texas 76501

OR96-0205

Dear Ms. Bowling:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37762.

The Custodian of Business Records for the City of Temple Police Department (the "department") received an open records request for "the production of the police department's daily dispatch logs, . . . used to describe the police department's records relating to all calls answered by the police department in each daily 24 hour period." You have submitted to this office a sample log sheet.¹ You state that "the requested information is excepted from the requirements of public disclosure under the Open Records Act," based primarily on Government Code section 552.108. Moreover, you also assert that "the Police Department is not required to honor 'standing requests' for the information at issue."²

We disagree with your contention that the information requested is excepted from disclosure under Government Code section 552.108, the exception pertaining to certain law enforcement and prosecutorial records.

¹We assume that the sample log submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We agree with your contention that the Open Records Act does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. See Attorney General Opinion JM-48 (1983). However, be aware that there is nothing to prevent the requestor from making *daily requests* for newly created dispatch logs.

Section 552.108 excepts records from required public disclosure only where release of the information would "unduly interfere" with law enforcement or prosecution. Open Records Decision Nos. 434 (1986), 287 (1981). The governmental body claiming the exception must reasonably explain, if the information does not supply the explanation on its face, how release of the records would unduly interfere with law enforcement. Open Records Decision No. 287 (1981). Whether disclosure of particular records will *unduly interfere* with law enforcement must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981). However, you have not demonstrated, nor is it apparent from the face of the submitted log sheet, how release of this information would unduly interfere with law enforcement.

Additionally, in Open Records Decision No. 394 (1983), this office determined that there was no qualitative difference between the information contained in police dispatch records and that which was expressly held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). See also Open Records Decision No. 127 (1976) (summarizing holding in *Houston Chronicle*). We conclude that the requested information may not be withheld from disclosure pursuant to section 552.108.³

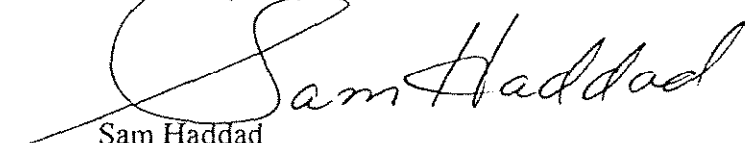
As for the issue of "standing requests" for on-going access and review of the daily dispatch logs, we agree that chapter 552 *does not require* a governmental body to comply with a standing request for information to be collected or prepared in the future. See Attorney General Opinion JM-48 (1983). However, because there is nothing to prevent the requestor from making daily requests for newly created dispatch logs, we will rule on the records you have submitted to this office as being representative of the types of records the requestor may seek in the future. Moreover, chapter 552 does not prohibit a governmental body from voluntarily complying with a standing request for information.

³However, if any of the 1995 log sheets reflect information involving delinquent conduct or conduct indicating a need for supervision, that information is confidential pursuant to section 51.14(d) of the Family Code. See Fam. Code § 51.03 (excluding information pertaining to routine juvenile traffic violations from confidentiality provisions). See also Fam. Code § 51.14(c) (requiring all "law-enforcement files and records concerning a child shall be kept separate from files and records of arrests of adults"). We do not address here whether juvenile and adult dispatch information may properly be recorded together.

We note that in the recent legislative session, the 74th Legislature repealed section 51.14 of the Family Code and substantially revised it as part of Chapter 58 of the code, effective January 1, 1996. See Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 53, 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2549-53, 2590-91 (Vernon). We do not address in this ruling the effect of the legislature's action on requests for information pertaining to juvenile conduct occurring on or after January 1, 1996. This Office is currently examining, in ORQ-6, whether juvenile records held by law enforcement officials are confidential pursuant to chapter 58 of the Family Code. In the meantime, the applicable information in these files may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 37762

Enclosures: Submitted documents

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(w/o enclosures)